

THE CLARK CONSTRUCTION
GROUP, INC.

CONTRACT NO. V101C-1574

VABCA-4923-5082

VA MEDICAL CENTER
PHILADELPHIA, PENNSYLVANIA

Axel Bolving III, Esq., Bradley, Arant, Rose & White, Birmingham, Alabama, for the Appellant.

Kenneth B. MacKenzie, Esq., Trial Attorney; *Charlma Jones, Esq.*, Deputy Assistant General Counsel; and *Phillipa L. Anderson, Esq.*, Assistant General Counsel, Washington, D.C., for the Department of Veterans Affairs.

ORDER ENTERING JUDGMENT

1. On August 23, 1996, the Department of Veterans Affairs and Appellant filed a JOINT MOTION FOR JUDGMENT ON STIPULATED SETTLEMENT. The motion encloses a STIPULATION OF SETTLEMENT finally executed on August 21, 1996, entered into by the parties concerning VABCA-4923 through VABCA-5082.

2. The parties recite that they have reached "amicable resolution" of the issues which are the subjects of VABCA-4923 through VABCA-5082 and jointly move that the Board enter Judgment in the amount of \$987,320 which "includes all costs, both direct and indirect, including attorney's fees but not interest." The Stipulation further provides that interest "will be paid in accordance with the Contract Disputes Act of 1978, 41 U.S.C. § 601-613, commencing September 15, 1993."

3. In addition, the Stipulation states:

This stipulation of settlement is executed for the sole purpose of compromising and settling disputed matters. Neither this agreement nor any actions taken or documents generated to it shall be taken as an admission by the parties of any fact or issue of law regarding any other matter including Appellant's other outstanding appeals and/or claims arising out of this contract. This Stipulation of Settlement is not intended to settle Appellant's claims under the Suspension of Work clause of the contract or Appellant's and its subcontractors' claims for inefficiencies and productivity losses attributable to the cumulative effect of changes and the impact of changes on unchanged work or any other amounts claimed by Appellant and its subcontractors which are not included in the docket numbers made the basis of this Stipulation of Settlement.

4. Inasmuch as the parties have stipulated the equitable adjustments due The Clark Construction Group, Inc. in VABCA-4923 through VABCA-5082, their Joint Motion for Judgment on Stipulated Settlement is granted. Appellant is found entitled to \$987,320

plus interest pursuant to the terms and conditions of the STIPULATION OF SETTLEMENT entered into by the parties.

IT IS SO ORDERED

DATE: **August 23, 1996**

GUY H. MCMICHAEL III
Chief Administrative Judge